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sion and classification. To abandon an existing scientific classification without substituting a better one, simply because it is thought more emphasis should be placed upon certain basal facts of the science, is certainly unwise. It is true that every society politically organized has a constitution in the sense that it is constituted, but of what scientific value is the term constitution used in this sense? Why broaden out the term government until it has no precise meaning at all? Or, what legal value has the term sovereignty when defined as the author defines it? To say that sovereignty is the nation is simply to say that the nation is the nation, or that sovereignty is sovereignty, which is true enough, but of little value in legal discussion.

Nevertheless, there is much that is suggestive in the book, such as the author's defence of absolute government, his discussion of the various forms of minority representation, and the rather too attractive analogy he finds between the presidential system of the United States and the absolutism of Russia. Much, however, is puerile and inconsistent, as for instance, the statement that parliamentary government is the absence of government; that England has never had *ce que nous appelons* the parliamentary régime; that England has no political constitution, when political constitution has already been defined to mean political organization (p. 565). *Ce que nous appelons!* Let it be repeated, the fault lies there. Why not call it what everyone understands it to mean?

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*Städteverwaltung im Römischen Kaiserreiche.* By W. LIEBENAM. Pp. xviii, 577. Price, 14m. Leipzig: Duncker und Humblot, 1900.

In a striking passage of the introduction to his "Provinces of the Roman Empire," Mommsen says: "If an angel of the Lord were to strike the balance whether the domain ruled by Severus Antoninus was governed with the greater intelligence and the greater humanity at that time or in the present day, whether civilization and national prosperity generally have since that time advanced or retrograded, it is very doubtful whether the decision would prove in favor of the present." And it is in the townships, Mommsen holds, "that the work of the imperial period is to be sought and to be found." Evidently then, this critical and generally thorough, though concise, work of Liebenam on "Municipal Administration under the Empire" deserves more than a passing note; for it supplies a test of Mommsen's claim, and also reveals the later deterioration of municipal life.

Liebenam at the outset (preface) excludes from his field the city of Rome, as well as the towns of Egypt, the latter in view of the mass of papyrus documents daily coming to light. In his first book he treats Municipal Receipts and Expenses. Under Receipts he considers such subjects as town lands, fisheries, mines, quarries, water rents, and other revenue from public works and buildings, fines, municipal slaves, township funds, etc. This part contains valuable material on the subject of township tariffs—the prototypes of the octroi duties so distressing to American residents in Italy. Peculiar interest attaches to the author's discussion of the entrance-fees paid the town by officials upon induction into office. A table is added showing from inscriptions the entrance-fees paid in various municipalities: *e. g.*, an alderman (*decurio*) in Cirta paid 20,000 sesterces, an *augur* in Marseilles, 100,000s. Some dozen pages are given to this significant custom.

Under Expenses, the cost of the post, of quartering soldiers, and of giving public amusements, is of great importance. Especially valuable is the information, here condensed, on the subject of public works. Polybius tells us that public works formed the heaviest item in the budget of the Roman state. This statement is also true of the municipalities. The largest part of their income went to construct and maintain town walls, streets, aqueducts, waterworks, sewers, public buildings of every sort—temples, courthouses, theatres, markets, etc. Here also is briefly indicated the varying history of fortifications,—now under the Roman peace, now in war-troubled times. As to the network of magnificent roads, covering the Empire, a new work is needed to replace that of Bergier, published in 1736. Such a study might be based upon the abundant documents now available. Liebenam considers only streets within the town. These were regularly paved, at a cost considerably higher than at present. He gives a list of towns having elaborate systems of drains and sewers: *e. g.*, Cologne had a network of underground sewers, and in this, as well as in its aqueduct supply of fresh spring water, the city had reached a point of sanitation not regained until the present century. But in their wonderful systems of waterworks the Romans seem to have surpassed even their other great engineering feats. Liebenam barely mentions the recent important investigations along this line in Africa. In general, it may be said, to sum up the first book, that municipal expenses were smaller than to-day because of the absence or relative insignificance of certain burdensome items of present-day budgets: *e. g.*, salaries of officials, teachers, physicians, support of police and fire departments. On the other hand, too much emphasis can hardly be laid on the absence of a most important source of revenue to-day—the direct tax.

In the second and longest book Liebenam treats of the Management of Municipal Property. In view of the purpose of the work and of the small space allotted to the third book, the author seems to give relatively too much space (thirty pages) to the discussion of the legal status of the municipality as the subject of property rights. He discusses the inscriptions: *lex Julia municipalis*, *lex Rubria de Gallia cisalpina*, *fragmentum Atestinum*, *fragmentum Tarentinum* (discovered 1894), *lex Salpensana*, *lex Malacitana*, and *lex Urbonensis*. Footnotes furnish a valuable bibliography. The texts, excepting the lately discovered *Tarentinum*, are accessible in Bruns' ("Fontes Juris Romani") sixth edition. Throughout his work Liebenam cites copiously these important documents.

Next in order comes the treatment of citizens and non-citizen inhabitants together with the various methods of acquiring citizenship. Mommsen's denial of the possibility of citizenship in two Roman communities at the same time is quoted approvingly. Students were regarded as not even *incolae* (non-citizen inhabitants) until after the lapse of ten years. In the Greek communities, on the contrary, multifold citizenship was possible (*Cf.* Cic. *pro Archia*, *Balbo*, etc.).

The municipal council varied in the number of members. The number for Roman communities was always fixed by law, and was usually one hundred. Names of members were enrolled on the *album*, which was not published, and was subjected to revision every five years. Then new members were added by the *duumviri quinquennales*. Eligible were, first, municipal ex-officials. If the number were still incomplete, properly qualified persons of the community might be added. The details of the qualifications are interesting, and may be found in *lex Julia munic. vss.* 108-125, *lex Malac. vs.* 54. Councillors were chosen for life,—that is, provided the quinquennial revision did not exclude them on the ground of misconduct. Among their duties was that of residing within a mile of the town. Non-compliance caused expulsion. Absenteeism was visited with a fine. The councillor had not only social honor, but specific immunities. The council sat in the town-hall, was called and presided over by the highest municipal officials. Details of the method of passing ordinances show a remarkable parallel to that of legislation at Rome. The matter for consideration was brought up by the presiding officer or a member of council. The ordinance was published and a copy preserved in the archives. We find in the documents, the year (named from consuls), day and place of meeting, number present, witnesses to accuracy of protocol, ordinance itself with terse statement of reasons and the vote—thus in all important points paralleling in form the *senatus consultum* of Rome.

As to the respective competence of local council and citizens, the empire, says Liebenam, took away from the citizens their leading position. So in the state it subverted that fundamental principle of the Roman constitution, that the legislative function resided in the people. Local regulations now devolved upon the council, as the legislative function at Rome under the early empire passed first to the senate. If we examine the documents implying popular co-operation, we find them dealing with matters of trifling import. The Spanish inscriptions prove that the change was gradual. In this, as in many other respects, eastern communities had an exceptional position, owing to Roman political tact.

The council had its own officials, subject to its control and liable to punishment in case of malfeasance. On the other hand, no valid ordinance could be passed except at a session duly called by the proper magistrates. As corporation, the council managed town property, attended to its finances, audited the accounts of its officials, rented its lands, etc., cared for religion and education, engaged teachers, physicians, sent out ambassadors, provided grain supplies, games and amusements, awarded honors, regulated building in the town, etc.

It is the third book—all too brief—that will most interest the general reader,—“*Staat und Stadt.*” Here is shown the influence of the central government on municipal development. In the previous books the author has not always differentiated historical periods, and the reader feels that he is consulting a lexicon—a valuable work of reference. But in the third portion of the work the historical feature is well developed. The author gives us an imposing catalogue of municipalities: “The empire was, at bottom, a union of municipalities.” Their splendid development under the Roman peace of the early empire is tersely and clearly expressed. Roman statesmanship did not yet hem in local self-government, still respected local customs. Yet Rome’s influence was immediately and increasingly felt. Weights, measures, coins must be standard. Roads had Roman milestones. To this period Mommsen’s words, quoted above, may apply. One important line of influence Liebenam seems to overlook: that of the Roman private law, necessarily studied by every provincial who aspired to political preferment. Other paths of influence, too, he is perhaps forced by space to treat cavalierly. But he sees clearly the goal in Rome’s world-historic mission of fusing the heterogeneous nationalities of the Mediterranean world into a homogeneous union, a Graeco-Roman “*Kulturwelt.*” Then he observes the growing disregard for local self-government, loss of respect for local customs and observances, the imposition of heavier burdens upon the

municipalities, the growing disinclination to accept municipal office with its grievous burdens. "If a man," says Gibbon, "were called to fix the period in the history of the world during which the condition of the human race was most happy and prosperous, he would without hesitation name that which elapsed from the death of Domitian to the accession of Commodus." "It is in this very period," says Liebenam, "that municipal decay begins." The book ends with an interesting discussion of the alleged grounds for Rome's decay.

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*The Right to the Whole Produce of Labor.* By DR. ANTON MENDER, Professor of Jurisprudence in the University of Vienna. Translated by M. E. Tanner, with an Introduction and Bibliography by H. S. Foxwell, M. A., Professor of Economics at University College, London. Pp. cxviii and 271. Price, \$2.00. London: Macmillan & Co., 1899.

The task which Professor Anton Menger has set himself in this and other essays is one, the importance of which cannot easily be overestimated. It is the application of jurisprudence to the study of economic and social questions. Professor Menger, as a jurist profoundly interested in the development of society, endeavors to add to the fullness of our knowledge by a critical examination of what many have regarded as the central demand of modern socialism, viz.: the right of labor to the entire industrial product, and he conducts his examination from the legal point of view.

It is proposed, he argues, to reconstruct modern society in such manner that the man who toils may receive all that is produced, making no abatement from the product for interest or rent. The demand of the socialist, which Professor Menger examines, is that individually unearned income shall cease to exist. This postulate, if we conceived it realized in society, signifies a society resting on an entirely new foundation of law and justice.

Professor Menger opens his book with these words: "The social aspirations of our time aim essentially at a reorganization of the economic life of mankind. They start, it is true, from a searching criticism of our existing economic conditions; but this criticism leads to certain juridical postulates which involve an organic reconstruction of our actual rights of property."

If socialism proposes an organic reconstruction of our actual rights of property, it is of the first importance that a trained jurist